

MIT-024-USA-P

REMARKS

Appreciation is hereby expressed to Examiner Reese for the telephone interview so courteously conducted on September 25, 2007, to discuss proposed amendments to the claims herein. Claim 8 has been amended herein to include the subject matter of base claims 1 and 3, upon which claim 8 previously depended. As discussed with Examiner Reese, the wording of amended claim 8 has been arranged to clearly delineate the claimed elements of the bendable bottom member of a bed of the present invention. However, the subject matter of original claim 8, which the Examiner stated in the interview distinguished claim 8 from the prior art, remains in the amended claim 8.

In addition, claim 2 has been amended herein to now be dependent upon amended claim 8. As understood based on the Examiner's comments during the interview, the undersigned has left claim 2 remaining in the instant application, as it provides a further limitation for allowable base claim 8. The present amendment is deemed not to introduce new matter. Claims 2 and 8 remain in the application.

Reconsideration is respectfully requested of the rejection of claims 1-3 and 5-8 under 35 U.S.C. 102(b) as anticipated by Shirai U.S. Patent 5,388,290.

Claims 1, 3, and 4-7 have been cancelled, and base claim 8 has been amended to now include all of the subject matter of claims 1 and 3. Further, claim 2 has been amended to now be dependent upon claim 8, which the Examiner has deemed to be allowable if amended to include all of the limitations of the claims upon which it depends. In view of same, it is believed that the instant rejection is now moot. Withdrawal of the rejection is accordingly respectfully requested. Consequently, the Examiner would be justified in no longer maintaining the rejection.

MIT-024-USA-P

Withdrawal of the rejection is accordingly respectfully requested.

In view of the foregoing, it is respectfully submitted that the application is now in condition for allowance and early action and allowance thereof is accordingly respectfully requested. In the event that there is any reason why the application cannot be allowed at the present time, it is respectfully requested that the Examiner contact the undersigned at the number listed below to resolve any problems.

Respectfully submitted,

TOWNSEND & BANTA

Donald E. Townsend, Jr.

Donald E. Townsend, Jr.
Reg. No. 43,198

Customer No. 27955

Date: September 25, 2007

TOWNSEND & BANTA
c/o PortfolioIP
P.O. Box 52050
Minneapolis, MN 55402
(202) 220-3124

RECEIVED
CENTRAL FAX CENTER
SEP 25 2007

MIT-024-USA-P

CERTIFICATE OF TRANSMISSION

I hereby certify that this facsimile transmission, consisting of a 7-page Amendment and 1-page Transmittal, in U.S. patent application Serial No. 10/765,958, filed on January 29, 2004, is being facsimile transmitted to the U.S. Patent and Trademark Office (Fax no. 571-273-8300) on September 25, 2007.

Donald E. Townsend, Jr.

Donald E. Townsend, Jr.